



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,540	03/26/2001	Yoshiyasu Nakashima	1466.1035	9495

21171 7590 10/06/2005

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

POPHAM, JEFFREY D

ART UNIT	PAPER NUMBER
----------	--------------

2137

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/816,540	Applicant(s) NAKASHIMA ET AL.	
	Examiner Jeffrey D. Popham	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 16-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 16-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RD

Remarks

Claims 1-6 and 16-24 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-6, 16, and 20-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Treyz (U.S. Patent 6,526,335).

Regarding Claim 1,

Treyz discloses a data accumulation system comprising:

A data output device (external wireless device, such as a merchant or toll collection facility) for outputting data required by a user (Column 44, line 57 to Column 45, line 8);

A data storage device (automobile personal computer) including a storing portion for storing a part of data imparted from the data output device (Column 44, line 57 to Column 45, line 8);
and

A data checking terminal (wireless device of the user) that is a portable terminal capable of wireless communication with the data storage device, the data checking terminal having a display for displaying data imparted from the data output device to the data storage device so that a user can check whether or not the data are worth storing (Column 45, lines 9-45).

Regarding Claim 2,

Treyz discloses that the data checking terminal automatically performs filtering of the data to be stored (Column 59, lines 3-19).

Regarding Claim 3,

Treyz discloses that the data checking terminal processes the data to be stored out of the imparted data and transfers the processed data back to the storage device (Column 45, lines 9-45).

Regarding Claim 4,

Treyz discloses that the data imparted from the data output device to the data storage device is an image data and the data checking terminal generates a thumbnail image of the image data to display the thumbnail image on the display portion (Column 10, lines 23-34; and Column 36, lines 35-59).

Regarding Claim 5,

Treyz discloses that the data output device is a POS terminal (Column 44, line 57 to Column 45, line 8).

Regarding Claim 6,

Treyz disclose that the data output device is an ATM terminal (Column 46, line 50 to Column 47, line 9).

Regarding Claim 16,

Treyz discloses a data accumulation system comprising:

A data output device outputting data (Column 44, line 57 to Column 45, line 8);

A data storage device receiving the data output from the data output device (Column 44, line 57 to Column 45, line 8); and

A portable terminal (Column 45, lines 9-45)

Wirelessly communicating with the data storage device to cause the portable terminal to display, to a user of the portable terminal, the data output from the data output device and received by the data storage device (Column 45, lines 9-45),

Wirelessly communicating with the data storage device to allow the user to input a command to the portable terminal indicating whether the data output by the data output device and received by the data storage device should be stored in the data storage device, in accordance with a decision by the user after viewing the data displayed by the portable terminal (Column 45, lines 9-45), and

Wirelessly communicating with the data storage device to transmit the input command from the portable terminal to the data storage device to cause the data storage device to store the data

output by the data output device and received by the data storage device in accordance with the transmitted command (Column 45, lines 9-45; and Column 46, lines 7-29).

Regarding Claim 23,

Claim 23 is a system claim that corresponds to system claim 16 and is rejected for the same reasons.

Regarding Claim 24,

Claim 24 is a method claim that corresponds to system claim 16 and is rejected for the same reasons.

Regarding Claim 20,

Treyz discloses that the data output from the data output device is image data, and the portable terminal generates and displays to the user a thumbnail of the image (Column 10, lines 23-34; and Column 36, lines 35-59).

Regarding Claim 21,

Treyz discloses that the data output device is a POS terminal (Column 44, line 57 to Column 45, line 8).

Regarding Claim 22,

Treyz discloses that the data output device is an ATM terminal (Column 46, line 50 to Column 47, line 9).

Claim Rejections - 35 USC § 103

Art Unit: 2137

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz in view of Menezes (Menezes, "Portable pen scans and stores text without a PC", *Computing Canada*, 6/25/1999, pp. 16, obtained from <http://proquest.umi.com/pqdweb?did=42964261&sid=2&Fmt=4&clientId=19649&RQT=309&VName=PQD>).

Regarding Claim 17,

Treyz discloses that the data output device is a scanner (Column 13, line 58 to Column 14, line 2), but does not disclose that the scanner is a pen scanner.

Menezes, however, discloses a pen scanner (Page 16). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the pen scanner of Menezes into the data accumulation system of Treyz in order to allow the system to scan documents line by line, incorporating abilities of OCR (optical character recognition), and translation capabilities, so that a user can understand a document even if they do not speak that language.

Regarding Claim 18,

Treyz discloses that the data output device is a scanner (Column 13, line 58 to Column 14, line 2) and that the portable terminal is a PDA (Column 10, lines 23-34), but does not disclose that the scanner is a pen scanner.

Menezes, however, discloses a pen scanner (Page 16). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the pen scanner of Menezes into the data accumulation system of Treyz in order to allow the system to scan documents line by line, incorporating abilities of OCR (optical character recognition), and translation capabilities, so that a user can understand a document even if they do not speak that language.

Regarding Claim 19,

Treyz discloses that the output device is a scanner (Column 13, line 58 to Column 14, line 2), the portable terminal is a PDA (Column 10, lines 23-34) and the data storage device is inside a notebook computer (Column 10, lines 35-38), but does not disclose that the scanner is a pen scanner.

Menezes, however, discloses a pen scanner (Page 16). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the pen scanner of Menezes into the data accumulation system of Treyz in order to allow the system to scan documents line by line, incorporating

Art Unit: 2137

abilities of OCR (optical character recognition), and translation capabilities, so that a user can understand a document even if they do not speak that language.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Popham whose telephone number is (571)-272-7215. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571)272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER